

REMARKS

Claims 1-11, 40, 41, 46, 47, 52-77, and 97-100 are pending. By this Amendment, claims 1, 3, 52-54, 62-66, 69, 72 and 74- 77 are amended and claims 97-100 are added. Reconsideration in view of the above amendments and following remarks is respectfully requested.

The claims were rejected under 35 U.S.C. §112, second paragraph. The rejection is respectfully traversed.

Claims 78-96 have been canceled without prejudice or disclaimer, thus rendering moot the rejection with respect to these claims.

With respect to the allegation that the claims are “generally narrative and indefinite, failing to conform with current U.S. practice,” Applicant again respectfully disagrees. In the event that the Examiner has some particular examples of language considered to be “generally narrative and indefinite,” instead of unsubstantiated, boilerplate form paragraph objections, the undersigned will reply further with arguments and/or amendments to such examples.

With respect to the use of “previously storing,” the applicable claims have been amended to recited “storing in advance,” or some variation thereon, to obviate the rejection.

Claims 1-11, 40, 41, 46, 47 and 52-96 were rejected under 35 U.S.C. §103(a) over Takayama (U.S. Patent 6,332,133) in view Stein et al. (U.S. Patent 5,826,241). The rejection is respectfully traversed.

Claims 78-96 have been canceled without prejudice or disclaimer, thus rendering moot the rejection with respect to these claims.

With respect to the Examiner’s allegation that the previous response did not comply with 37 C.F.R. § 1.111(c), the undersigned respectfully disagrees.

The undersigned clearly argued on page 19, line 24 through page 20, line 11, of the August 16, 2005 response provided numerous examples of the failure of Takayama and Stein et al., alone and in combination, to disclose or suggest features recited in claim 1. The undersigned provided additional examples of the failure of Takayama and Stein et al. with respect to claim 3 on page 20, line 15 through page 21, line 2, of the August 16, 2005 response. In addition, the undersigned clearly pointed out the errors in the examiner’s improper reliance on the doctrine of Official Notice, on page 21, lines 6-26, and the utter lack of merit in the examiner’s obviousness-type double patenting rejection on page 22, line 15

through page 23, line 6. Each and every one of these arguments complied fully with 37 C.F.R. § 1.111.

With respect to the examiner's arguments on page 2 of the Office Action, that "the location of the two sites does not modify, affect and/or render that application unique, original or non-obviousness because, the transfer of information during the transaction would occur regardless of where the two terminals were located," and that "this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability," the undersigned respectfully notes that the claims do not contain "descriptive material," the claims contain claimed subject matter that Applicant regards as his invention.

The undersigned also respectfully directs the examiner's attention to MPEP § 707.07(d), which clearly admonishes examiners to avoid anything of a personal nature in the Office Action. Neither Applicant nor the undersigned is concerned with what the examiner personally considers to "advance the art" or "render an application original in concept, design and non-obviousness." Applicant is concerned with receiving what he paid his filing fee for, an examination of his claimed subject matter in accordance with 35 U.S.C., 37 C.F.R. and the MPEP.

MPEP § 2143 states: "To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations."

In order to advance prosecution of this application, each of independent claims 1, 3, 62, 66, 72 and 77 has been amended to recite that the first terminal has an infrared transmitting unit, the second terminal has an antenna and an infrared receiving unit, and the second terminal is connectable to the first terminal through the communication network with the antenna. As the examiner acknowledges on page 4 of the Office Action that neither Takayama or Stein et al. disclose or suggest these features, the combination of the references fails to include all the limitations of claims 1, 3, 62, 66, 72 and 77 and fails to present a *prima facie* case of obviousness.

Claims 2, 4-11, 40, 41, 46, 47, 52-61, 63-65, 67-71 and 73-76 recite additional features of the invention and are allowable for the same reasons discussed above with respect to claims 1, 3, 62, 66, 72 and 77 and for the additional features recited therein.

Reconsideration and withdrawal of the rejection over Takayama in view of Stein et al. are respectfully requested.

In view of the above amendments and remarks, Applicant respectfully submits that all the claims are allowable and that the entire application is in condition for allowance.

Should the Examiner believe that anything further is desirable to place the application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

PILLSBURY WINTHROP SHAW PITTMAN LLP



JOHN P. DARLING

Reg. No. 44482

Tel. No. (703) 770-7745

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P.O. Box 10500
McLean, VA 22102

Tel. No. (703) 770-7900
Fax No. (703) 770-7901